

**Exhibit B**  
**Defendants' Arguments in Opposition to**  
**Plaintiffs' Motion for Summary Judgment**

**DEFENDANTS' ARGUMENTS IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

- A. Plaintiffs' Motion for Summary Judgment must be denied where Plaintiffs do not specify the grounds for the Motion, fail to articulate or delineate undisputed facts, and omit both citation to and production of any supporting documents, in flagrant disregard for both the procedural rules and an Order of this Honorable Court.

1.	Dkt. #41	Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 4-8
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- B. For the reasons set forth in MTSA and Millcreek's Motion for Summary Judgment, Plaintiffs' Motion for Summary Judgment must be denied.

1.	Dkt. #41	Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 8-9
a.	Dkt. #29	Defendants' Motion for Summary Judgment	
b.	Dkt. #37	Brief in Support of Defendants' Motion for Summary Judgment	
c.	Dkt. #30	Affidavit of Ricardo F. Gilson	
d.	Dkt. #31	Affidavit of August E. Maas	
e.	Dkt. #32	Affidavit of Brian P. McGrath	
f.	Dkt. #33	Affidavit of Gerald C. Allender	
g.	Dkt. #34	Affidavit of Douglas D. Range	
h.	Dkt. #35	Affidavit of George W. Riedesel	
i.	Dkt. #38	Appendix to Defendants' Motion for Summary Judgment	
j.	Dkt. #61	Supplement to Brief in Support of Defendants' Motion for Summary Judgment and Brief in Opposition to Plaintiffs' Motion for Summary Judgment	

k.	Dkt. #63	Second Supplemental Affidavit of George W. Riedesel	
l.	Dkt. #68	Sur-Reply Brief in Response to Supplemental Plaintiffs' Reply to Defendants' Supplemental Brief in Opposition to Plaintiffs' Motion for Summary Judgment	
m.	Dkt. #69	Third Supplemental Affidavit of George W. Riedesel	

- C. Plaintiffs' Motion for Summary Judgment based upon Section 1342(q)(1) of the CWA must be denied as Plaintiffs failed to include that claim in their 60-day notice, Section 1365 does not give Plaintiffs the right to enforce Section 1342(q)(1) against MTSA and Millcreek, and factually, there is no basis to support Plaintiffs' claim.

1.	Dkt. #52	Plaintiffs have withdrawn this claim. Plaintiffs' Reply to Defendants' Brief in Opposition to Plaintiffs' Motion for Summary Judgment	p. 1, n.1
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- D. The injunctive relief sought by Plaintiffs' Motion for Summary Judgment on all claims must be denied where Plaintiffs have submitted evidence showing that the requested injunctive relief would not be appropriate.

1.	Dkt. #41	Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 13-20
2.	Dkt. #31	Affidavit of August E. Maas	
3.	Dkt. #35	Affidavit of George W. Riedesel	
4.	Dkt. #42	Supplemental Affidavit of George W. Riedesel	
5.	Dkt. #38	Appendix to Defendants' Motion for Summary Judgment	

- E. The civil penalties sought by Plaintiffs' Motion for Summary Judgment on all claims must be denied where Plaintiffs have submitted no evidence to support their claims and Defendants have presented evidence showing that civil penalties would not be appropriate.

1.	Dkt. #41	Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 20-23
2.	Dkt. #35	Affidavit of George W. Riedesel	

3.	Dkt. #42	Supplemental Affidavit of George W. Riedesel	
4.	Dkt. #32	Affidavit of Brian P. McGrath	
5.	Dkt. #31	Affidavit of August E. Maas	
6.	Dkt. #40	Appendix to Responsive Concise Statement of Defendants Millcreek Township Sewer Authority and Millcreek Township	
7.	Dkt. #38	Appendix to Defendants' Motion for Summary Judgment	
8.	Dkt. #61	Supplement to Brief in Support of Defendants' Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 2-5
9.	Dkt. #63	Second Supplemental Affidavit of George W. Riedesel	
10.	Dkt. #68	Sur-Reply in Response to Supplemental Plaintiffs' Reply to Defendants' Supplemental Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 3-5. 7-12
11.	Dkt. #69	Third Supplemental Affidavit of George W. Riedesel	
12.	Dkt. #83	Brief in Support of Defendants' Amended Motion for Summary Judgment, Second Supplement to Brief in Support of Defendants' Motion for Summary Judgment and Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 12-14
13.	Dkt. #84	Fourth Supplemental Affidavit of George W. Riedesel	
14.	Dkt. #85	Supplemental Affidavit of Brian P. McGrath	

- F. Plaintiffs are not entitled to a court ordered supplemental environmental project in the amount of \$150,000.00 as the CWA does not give the court the authority to order such relief.

1.	Dkt. #41	Brief in Opposition to Plaintiffs' Motion for Summary Judgment	pp. 23-24
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